

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARD OF TRUSTEES OF THE
AUTOMOTIVE MACHINISTS PENSION
TRUST,

Plaintiff,

v.

PENINSULA TRUCK LINES, INC.

Defendant.

No. 2:21-cv-00064-MJP

**STIPULATED MOTION AND
ORDER REGARDING BRIEFING
SCHEDULE FOR CROSS
MOTIONS FOR SUMMARY
JUDGMENT**

NOTE ON MOTION CALENDAR:
June 2, 2021

On May 10, 2021, Plaintiff Board of Trustees of the Automotive Machinists Pension Trust (“Trust Fund”) and Defendant Peninsula Truck Lines, Inc. (“Peninsula”) submitted a Stipulated Motion and Proposed Scheduling Order on Filing Motion for Summary Judgment (the “Stipulated Motion”) (Dkt. No. 10). On May 11, 2021, the Court granted in part and denied in part the Stipulated Motion, approving the briefing schedule, but denying the Parties’ request for deviation from the page limits set forth in LCR 7(e)(3). *See* Order on Stipulated Motion and Proposed Scheduling Order on Filing Motion for Summary Judgment (the “MSJ Scheduling Order”) (Dkt. No. 11).

Due to the oversight of the undersigned counsel for Peninsula, in the Stipulated Motion the Parties did not request approval of a briefing schedule for cross-motions for summary judgment. *See* Joint Status Report (Dkt. No. 8) at Topic No. 9 (“The parties

request that the Court decide this case based on cross-motions for summary judgment.”).

The Parties submit this stipulated motion and proposed order to correct that oversight.

Pursuant to LCR 7(k) and subject to Court-approval, the Parties stipulate and agree:

1. The Parties’ cross-motions for summary judgment shall be filed on or before July 1, 2021.
2. The Parties’ responses to the cross-motions for summary judgment shall be filed on or before August 16, 2021.
3. Per LCR 7(k) and in lieu of filing reply briefs, the page limit for the responses to the cross-motions for summary judgment shall be 30 pages.¹
4. The Parties shall note their cross-motions for summary judgment for Friday, August 20, 2021.
5. The MSJ Scheduling Order (Dkt. No. 11) shall be stricken.

DATED: June 2, 2021.

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¹ The Parties are mindful of the Court’s denial of their prior request for additional pages for their opening motions. *See* MSJ Scheduling Order at 2. The Parties request an additional six pages for their response briefs in accordance with LCR 7(k), which provides in relevant part that “[t]he court may order parties filing cross motions for summary judgment to combine their memoranda and forego reply briefs in exchange for an enlarged response brief.” The Parties further submit that in the arbitration from which this matter arises the Parties endeavored to present the issues to the arbitrator as efficiently as possible and submitted opening briefs of 34 pages (the Trust Fund) and 31 pages (Peninsula). Although the Parties will be as succinct as possible in their briefing, they believe the Court may benefit from up to an additional six pages in their response briefs due to the complexity of the issues (while foregoing twelve-page reply briefs).

1 *Attorneys for Defendant Peninsula*
2 *Truck Lines, Inc.*

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3 *Attorneys for Plaintiff Board of Trustees*
4 *of the Automotive Machinists Pension Trust*

5 **ORDER**

6 IT IS SO ORDERED.

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8 DATED: June 8, 2021

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12 Hon. Marsha J. Pechman
13 United States Senior District Judge
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